

## EXTRADITION

*Treaty signed at Quito September 22, 1939, supplementing treaty of June 28, 1872*

*Senate advice and consent to ratification November 26, 1940*

*Ratified by Ecuador December 11, 1940*

*Ratified by the President of the United States December 20, 1940*

*Ratifications exchanged at Washington January 23, 1941*

*Proclaimed by the President of the United States May 19, 1941*

*Entered into force May 29, 1941*

55 Stat. 1196; Treaty Series 972

### SUPPLEMENTARY EXTRADITION TREATY BETWEEN THE UNITED STATES AND ECUADOR

The United States of America and the Republic of Ecuador, being desirous of enlarging the list of crimes on account of which extradition may be granted under the treaty concluded between the two countries on June 28, 1872,<sup>1</sup> with a view to the better administration of justice and the prevention of crimes in their respective territories and jurisdictions, have resolved to conclude a supplementary treaty for this purpose and have appointed as their Plenipotentiaries, to wit:

The President of the United States of America; His Excellency Boaz Long, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Ecuador, and

The President of the Republic of Ecuador; His Excellency the Minister for Foreign Affairs, Doctor Julio Tobar Donoso.

Who, after having exhibited to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

#### ARTICLE I

The High Contracting Parties agree that the following crimes are added to the list of crimes numbered 1st to 6th in the second Article of the Treaty

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<sup>1</sup> TS 79, *ante*, p. 321.

of Extradition concluded between the United States of America and the Republic of Ecuador on June 28, 1872; that is to say:

7th. Embezzlement by a person hired or salaried, to the detriment of his employer, where the amount of money or the value of the property embezzled exceeds two hundred dollars, or Ecuadorean equivalent.

8th. Perjury or the subornation of perjury.

9th. Malicious destruction, or attempted destruction of railways, bridges, vessels, dwellings, public edifices, or other buildings, when the act endangers human life.

10th. Abortion.

11th. Abduction or detention of women or girls for immoral purposes.

12th. Bigamy.

13th. Kidnaping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end.

14th. Larceny, defined to be the fraudulent taking of effects, personal property, or money, of the value of twenty-five dollars or more, or Ecuadorean equivalent.

15th. Obtaining money, valuable securities or other property by false pretenses, or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars, or Ecuadorean equivalent.

16th. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by anyone in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars, or Ecuadorean equivalent.

17th. Bribery.

18th. Crimes against the bankruptcy laws.

19th. Crimes against the laws for the suppression of the traffic in narcotics.

20th. Wilful desertion or wilful non-support of minor or dependent children, or of other dependent persons, provided that the crime is punishable by the laws of both countries.

21st. Extradition shall also take place for participation in any of the crimes before referred to as an accessory before or after the fact or in any attempt to commit any of the aforesaid crimes.

The extradition for the crimes or misdemeanors specified in the paragraphs 7 to 21 will be granted when the individual required is accused or condemned as author, accomplice or concealer of an infraction of the Penal Code, punishable in the United States and Ecuador with a penalty of not less than one year in prison.

## ARTICLE II

The present Treaty shall be considered as an integral part of the said Extradition Treaty of June 28, 1872 and it is agreed that the paragraph or crimes added by the present Treaty and numbered 21st herein shall be applicable under appropriate circumstances to all the crimes listed in the said Treaty of June 28, 1872.

## ARTICLE III

The present Treaty shall be ratified and the ratifications shall be exchanged at Washington as soon as possible. It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, such period to be computed from its publication in the country last publishing, and it shall continue and terminate in the same manner as the said Treaty of June 28, 1872.

In testimony whereof, the respective Plenipotentiaries have signed the present Treaty, in duplicate, and have hereunto affixed their seals.

Done, in duplicate, at Quito, this twenty-second day of September, one thousand nine hundred and thirty nine.

BOAZ LONG	[SEAL]
J. TOBAR DONOSO	[SEAL]